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24 UNITED STATES DISTRICT COURT

25 DISTRICT OF NEVADA

26 MARIE ANTIONETTE GUZMAN, as,)
27 Administrator of the Wrongful Death Estates of)
28 RAYMOND GUZMAN and MARY)
GUZMAN,)

29 Plaintiff,)

30 vs.)

31 THE PEP BOYS MANNY MOE & JACK OF)
32 CALIFORNIA, Pennsylvania corporation;)
33 COOPER TIRE & RUBBER COMPANY, a)
34 Delaware corporation; GENERAL MOTORS)
35 COMPANY, LLC., a Delaware corporation;)
36 ROE COMPONENT PART)

37 CASE NO. 2:17-cv-00386-APG-GWF

38 JOINT STATUS REPORT PURSUANT
39 TO COURT'S APRIL 12, 2017 ORDER

1 || MANUFACTURER; ROE CORPORATIONS I ||
 2 || through X, inclusive, ||
 3 || ||
 3 || Defendants. ||

4 Pursuant to this Court's April 12, 2017 order, the parties submit the following Joint
 5 Status Report on Discovery. The parties' attempts to agree upon joint language were
 6 unsuccessful, so this report includes the positions of each party where they differ.

7 1. Although the parties have exchanged initial disclosures, General Motors LLC ("GM
 8 LLC") states that the plaintiff has not identified any documents she may use to support her case, in
 9 violation of Rule 26(a)(ii). GM LLC has made repeated attempts, via email, phone and letter, to
 10 discuss this issue with the plaintiff, but these efforts have been almost entirely ignored. Plaintiff
 11 responds that the only document in her possession regarding this accident is the Nevada Highway
 12 Patrol Accident Report, which has been disclosed by other parties. Plaintiff further responds that
 13 this is a wrongful death action and the decedents' injuries were fatal upon impact, and there was no
 14 medical treatment.

15 2. The defendants have each issued discovery to the plaintiff. Plaintiff states that she
 16 propounded discovery to Cooper Tire & Rubber Company ("Cooper") and has not received the
 17 responsive documents to date even though Plaintiff executed the requested protective order without
 18 any objection. Plaintiff states that Cooper Tires has not provided any justification as to why these
 19 documents have not been disclosed. The internal documents regarding tire design and testing are
 20 not something within Plaintiff's possession and controlled exclusively by Cooper Tires. Although
 21 the plaintiff responded to Cooper's and the Pep Boys Manny Moe and Jack of California's
 22 discovery, she has not responded to GM LLC's, and her responses are now overdue. GM LLC's
 23 attempts to contact the plaintiff via email, phone, and letter to discuss have been ignored. GM LLC
 24 is preparing and will soon file a motion to compel on this issue.

25 3. GM LLC inspected the subject vehicle on October 3, 2017. The plaintiff and
 26 Cooper have agreed that Cooper is entitled to custodial inspection of the tire evidence at issue in this
 27 case. Cooper states that after providing erroneous tires for inspection, the plaintiff admitted that the
 28 subject tires are in the custody of their evidence storage company in California, but has not

1 facilitated or authorized the shipment of the tire evidence to Cooper. Cooper will be filing a motion
2 to compel in the very near future seeking an order for plaintiff to facilitate the shipment of the tire
3 evidence to Cooper. The plaintiff responds that she is working on shipping the tires but was first
4 ensuring that all parties have had the opportunity for inspection prior to Cooper taking custody for a
5 significant period of time. Plaintiff wants to ensure that all parties have equal opportunity for
6 inspection. Plaintiff could insist that Cooper Tires inspect the tires in California, but has instead
7 worked to facilitate shipment directly to them.

8 4. The parties have scheduled the depositions of the plaintiff and several fact witnesses
9 for October 24 and 25, 2017.

10 5. On October 4, 2017, Pep Boys moved this Court for determination of good faith
11 settlement, which is pending with the Court. Pep Boys requests that the Court grant its motion for
12 determination of good faith settlement and grant the relief requested therein. No parties oppose this
13 motion.

14 6. Although there are no other pending motions before this Court, it is likely that GM
15 LLC will file a motion to compel in the next week. The parties have agreed that the case should go
16 to mediation before Joseph Bongiovi and all parties are available for a December 15, 2017
17 mediation. Cooper has conditioned its participation on having inspected the tires on the subject
18 vehicle. GM LLC anticipates moving to compel mediation to ensure that all necessary parties fully
19 participate. As noted earlier, Cooper will be filing a motion to compel inspection of tire evidence.

20 7. Cooper and the plaintiff have reached an agreement on a protective order of
21 confidentiality intended to adequately protect Cooper's trade secret and confidential business
22 information that Cooper has agreed to produce in its initial disclosures. GM LLC has objected to a
23 provision in Cooper's proposed order requiring that Cooper's trade secrets and confidential
24 information not be saved into a law firm database or computer system. To the extent that Cooper
25 and GM LLC are unable to resolve this issue through continued discussion and negotiation, Cooper
26 will be filing a motion for entry of protective order to address this singular issue between it and GM
27 LLC.

28 Dated: October 12, 2017

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of this document was filed via CM/ECF on October 12, 2017. Upon the filing of the document, an email message containing the NEF, with a hyperlink to the electronically filed document, was electronically generated by the ECF system and sent via electronic mail to the email addresses of counsel below, who have registered in the case.

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